

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

HAROLD STAFFORD,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 3:12-cv-0909

Judge Trauger

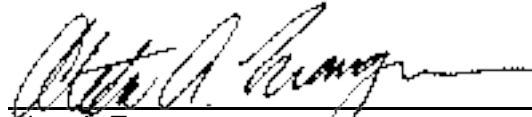
ORDER

Movant Harold Stafford, a prisoner presently housed at the federal prison camp in Manchester, Kentucky, brings this *pro se* action pursuant to 28 U.S.C. § 2255 to set aside, vacate and correct the amended judgment and sentence entered by this court on July 2, 2009 after a jury verdict rendered on February 4, 2009. For the reasons set forth in the accompanying Memorandum Opinion, the court finds that the motion, asserting claims of ineffective assistance of counsel, is without merit. The motion (ECF No. 1) is therefore **DENIED**.

Pursuant to Rule 11 of the Rules Governing § 2255 Proceedings, the court must, at the time of entry of this final order denying relief, either issue or deny a certificate of appealability ("COA"). For the reasons stated in the accompanying Memorandum Opinion, the court finds that the movant has made a substantial showing of the denial of a constitutional right with regard to the first, second and third grounds for relief set forth in his motion and supporting memorandum of law: (1) that the evidence was insufficient to support his conviction for bank fraud as to Count 25 of the indictment, and that his trial counsel was ineffective for failing to move for the dismissal of that claim under Rule 29 of the Federal Rules of Criminal Procedure; (2) that the evidence was insufficient to support the movant's conviction under Count 43 of the indictment, which relied upon a predicate showing of bank fraud in Count 25, and that the movant's trial counsel was ineffective for failing to move for dismissal of that claim under Rule 29; and (3) that the movant's trial counsel was ineffective for failing to object to the introduction into evidence, and the submission to the jury during their deliberations, of certain summary exhibits that did not qualify for admission under Rule 1006 of the Federal Rules of Evidence.

Accordingly, the court hereby **ISSUES** a COA as to those grounds for relief.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge